

Diaz, Susanna M.

From: ecorpnu@gmail.com on behalf of chris kwan - ecorpnu [chris@ecorpnu.com]
Sent: Monday, August 06, 2007 8:22 PM
To: Diaz, Susanna M.
Subject: Re: Question for S/N 09/922489

Thanks Susanna,

Thats great help and I learn something here. Cheers

K Kwan

On 8/6/07, Diaz, Susanna M. <Susanna.Diaz@uspto.gov> wrote:

> Dear Khai Kwan,

>

> In your response to the 1.105 requirement, I didn't notice any actual references cited beyond mention of related applications and a web site, which you do not need to put on an Information Disclosure Statement (IDS) unless you want such references listed on the front of any patent that might ultimately result from the instant application. (For any foreign patents/applications and Non-Patent Literature submitted in an IDS, a copy of each must be submitted with the IDS.) You do not have to submit references in an Information Disclosure Statement (IDS) in response to a request for information under 37 CFR 1.105. Also, when an applicant does submit references in direct response to a 1.105 request, the normal IDS fees are waived (although payment for extensions of time may still be applicable). Since you have already responded to the request for information under 37 CFR 1.105, you will probably be charged for future submissions of an IDS. The examiners are not responsible for charging the fees. We have Legal Instrument Examiners who do this, so I have no direct control over which fees are and are not charged.

>

> Sincerely,

> Susanna Diaz

>

> -----Original Message-----

> From: ecorpnu@gmail.com [mailto:ecorpnu@gmail.com]On Behalf Of chris

> kwan - ecorpnu

> Sent: Sunday, August 05, 2007 10:56 PM

> To: Diaz, Susanna M.

> Subject: Question for S/N 09/922489

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> Khai Kwan

> P.O.Box 1178

> Sandakan 90713

> Sabah, Malaysia

>

> Susanna Diaz

> USPTO

>

> Dear Ma'am,

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> I would like to inquire whether in response to your 37 CFR 1.105

> requirement, it is mandatory to use Form PTO/SB/42 (04-07) and pay
> fees under 37 CFR 1.97 as per your Action Letter Feb 2007 ? As far as
> I know 37 CFR 1.97 is for Information Disclosure Citation in
> conforming to 37 CFR 1.501 rather than 37 CFR 1.105.
>
> The reason I am asking is that my previous reply mailed 27 April 2007,
> I did not use Information Disclosure Citation Form PTO/SB/42. I simply
> include the reference in my response mailed on even date. And if this
> is mandatory then could you waive the fees under 37 CFR 1.97
> (including late fees) because this is the first time such information
> disclosure form is used in response to the 37 CFR 1.105 requirement or
> it was inadvertently omitted.
>
> I only discover the above on closer reading of your action letter
> while I was considering the election/restriction requirement in your
> latest 17 July 2007.
>
> Thanks.
>
>
> Khai Kwan
> 023336
>
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Chris Kwan
Advocate (Sabah) & Solicitor (NSW)